

Town of Milton
Town Council Meeting Minutes
May 1, 2006

Milton Town Council Meeting was held in the Milton Theatre, 110 Union Street.

OPEN FLOOR

Jim Welu – wanted to clarify something that he read in the paper two weeks ago and talked to Don Post yesterday – there's nothing about Holly Lake and how it relates to 48 units and the article seemed to imply that there were 25 - 27 sewer taps still available. It almost led one to believe that Robino was going to get these 25 sewer taps, but it is my understanding that those are for spot lots available to the town and that he, as a developer, will have to wait along with the other developers.

This is in regard to a partition on a lot At Union Street and Orchard and I'm not here to speak on behalf of them or against them, I would just like to quote Mr. James Fuqua who spoke before this council as the attorney for this town three years ago when in the I was in that same position on this lot. He said if the application meets all the requirements of the code, 10,000 SF or more per lot and it meets all the front yard and district of variances the mayor and council shall approve the partition.

I guess it brings up the importance of we've got to get moving on getting a sewer treatment plant. We have got to expedite this as quickly as possible.

Mayor Post: Speaking for the council and myself we are recognizing this sewer plant issue as top priority and we are going to have to expedite it any way we can and that is where our focus is and that is where we will be going.

John Collier: I want to present something that I think needs to be addressed with the council. What I am handing everyone on the council is a pictorial and a copy of the ordinances that would address this specific problem which related to the dilapidate of building which, by town codes, would be considered unsafe, uninhabitable and eligible for condemnation by the town ordinance. Under the proper order of business I would ask that the town to address this, whether to direct somebody to investigate, and that you would report back to the citizens on a regular basis as to the progress and what is going on with these and what kind of resolution there is going to be. Thank You.

Mayor Post – Mr. Collier I think that you are absolutely right and that is why that it is vital for a code enforcer to focus on code enforcement. I have to say announce the fact that we do have a code enforcer now. I am proud to say that Robin Davis, who has been with the town and who has been heading the water department will be transitioning over to code enforcement and I think he is going to be a big asset to help with these situations.

We motion for council to put this number one on the agenda.

Kathryn Greig: Kathryn Greig with the Garden Club giving my monthly report. There are two papers out front that I put out telling about our upcoming events. The first is Saturday, May 20th, which we will have our second annual community planting. The second thing is Saturday, May 27th, the horseshoe crab festival. The Garden Club will be

acting as the official information booth. We will also be selling Garden Tour tickets, plants and raffle tickets. The third thing is the garden tour. It is coming up Saturday, June 3. We have 10 gardens. I want to again say never do we spend the money for anything except plants, dirt, mulch. One thing that I do want to tell you is that we had a request from Milton Elementary School to purchase a tree. The garden club agreed to pay for this because we felt like it went into the realm of what we do in making Milton more beautiful.

Brian Dolan: Good evening Mr. Mayor, members of council, my name is Brian Dolan I live on Chestnut Street. I want to reiterate some of my concerns similar to the first gentleman that spoke about the waste water treatment plant and also about the hiring of the new town manager. First, with respect to the waste water treatment plant, I think there are three principle concerns I have that I hope you are aware of. Number one, when you pre-sell an EDU, I think implicit in that sale is a requirement that the town makes a good faith effort to install the facilities necessary to accommodate those EDU's. Secondly, this is in regard to the gentleman who spoke earlier about the effluence discharge, during the summer months, particularly in August and September, the town's waste water treatment system is consistently over the maximum limit. The town could face possible DNREC and EPA sanctions. Lastly, with respect to the sewer, there is the cost of delay. In October, 2003, when this problem was identified, the federal reserve rate has increased 16 times since that time. More over, the cost of buying the land for this facility would have been less. The taxpayers of Milton, therefore, are paying increased costs, millions of dollars over the lifespan of this project.

My last concern is with the town manager. I hope the town council informed itself with professional opinions of organizations such as the University of Delaware, College of Urban Studies and Urban Planning when you look to job requirements that a town manager needs to have for a municipality of this size. This will probably be the most significant personnel decision in your tenure on council. The qualifications necessary require expertise in accounting, public administration, in finding grants for the town, both federal and state, managing personnel and in managing budgets. We need somebody who brings a certain set of job skills in this position and combined with your familiarity with Milton can leverage that person's abilities to help this town grow. So I hope you consider that and look for a professional for this position. Thank You.

Mayor Post: We have 24 applicants for the job. The committee picked five out of the 24. We will be interviewing on the 6th, next Saturday the first five that we picked. I hope that by the 10th of this month, we will hire a town manager.

William Payne: William Payne, 150 Heather Drive, Lewes. What I want to bring up tonight is to bring to your attention the lack of compliance of the town for the American with Disabilities Act under the civil rights law. What brought my eye to the fire plug in the middle of a curb ramp at Wharton Street and Union. I saw the historical society new sidewalks going in and that is why I told the manager to get that corrected before the concrete was poured and bricks laid. Since he did put me off, I did phone the historical society and was assured that it would be in ADA compliance. The cross walk has no curb ramp right in front of the steps across the street. There is a curb step down, the new curb put in the new sidewalk, no curb ramp. Sidewalk in the front and the ramp in the back, the railing isn't right. The railing should be more like what you have at the library with a foot extension on the end and a railing all around on both sides. I'm not saying these are town created problems, the state is doing a lot too. If this was done by the state, what can

I say. I need to bring this to your attention sir. I'm not sure whether your ordinances are not correct or whether the town manager and zoning officer are not enforcing things, I don't know. I'm hoping you can take this and run with it, correct these situations, in the future.

Joanie Martin-Brown: At the end of this month, May 27th, is the Horseshoe Crab Shorebird Festival. The Lions Club is going to have their train there. We have a raffle ticket that is going to be sold for \$5 and provides the winner a 1 hour private airplane flight over the shoreline and the refuge and the general area to enjoy the international shorebirds flying around. This is not a fund raising event, there is no cost for the program, there is no entry fee and there is a chance to bring people from the beach and the town together and we look forward to everybody participating May 27, but also thanking the support of the organizations in the town. Thank You.

Mayor Post called the regular Council meeting to order.

Led by Councilwoman Betts for a moment of silence. Remain standing for the Pledge of Allegiance.

Mayor Post called roll.

PRESENT: Mayor Post
Councilman Betts
Councilman Dvornick
Councilman Harris
Councilman Frey

ABSENT: Councilman Melson
Councilman Prettyman

Others Present: Town Employees

Presentation and Approval of Minutes – place minutes on next meeting because we do not have minutes from the previous meeting for tonight.

Motion to put minutes on June agenda – Councilman Dvornick

Second Councilman Frey all in favor say “Aye”, all opposed – none. Motion carried.

Committee Reports

Town Charter Ad Hoc – Joanie Martin-Brown – The committee had their first meeting and we have agreed on the procedures of our deliberation and we are beginning that process at the next meeting May 15. Thank You.

Zoning Ordinance – review/revision – Ginny Weeks – We are making two requests of the council. While we were speaking and assessing where we want to go two things became obvious and I was asked to bring these to your attention so that we can take some action on them. One is that the committee would request that the council think about asking the code enforcement officer to have something like a sign or such put in front of properties that have come on to the agenda of either zoning and planning, the board of adjustments

or the historic district commission. I think the people of the town should be made aware when properties are on agendas and it's an easier way to do it and an equitable one.

The second thing about the recent actions of the county planning and zoning in stating that they are thinking of taxing the ordinance if they haven't taxed it already that would allow greater density to developers at a cost of \$15,000 - \$20,000 per unit. It seems to us that perhaps that would put even more pressure on Milton with annexation and development, that perhaps we need to re-look at our density controls and how dense we allow people to build, because if the county is getting \$15,000 - \$20,000 a unit, we're doing it rather cheaply. We need to really look at preserving character of the town and perhaps we want to look at our density before we are done the lengthy process of looking at the ordinances, actually, we find in our first view to be in very good shape.

Council will move that down to new business, those two requests, which will make that D.

Sewer & Water – Councilman Dvornick – this isn't a presentation, our committee met on last Thursday, with Councilman Frey. The rest of our committee could not make it. There were four things that we looked at with the existing plant with respect to the BOD levels, which is what I think Mr. Welu and Mr. Dolan moved to either ? our land search talk about the funding and then George, Miles, and Buhr is going to talk about our ?

Personnel/Pension – Councilman Frey stated– “the finance director position is still open. We have a candidate; we are waiting for an answer from her. If she decides not to take the job, we are going to reopen the position. As the mayor said before, the code enforcer is making a lateral move from the water department. Three applications were received for the water department supervision position. With that, we will probably be reaching them next week. For the town solicitor, two applicants were received. The administrative secretary, we have 70 applicants for that. We are not going to do anything until after we hire a town manager”.

Parks & Recreation – Councilman Harris reported– “The summer concert series run by Charlie Fleetwood is starting up again. Bicentennial garden, Company will be starting the brick sidewalks that will adjoin the current brick sidewalk and will loop them over further up on Mulberry Street. we are going to re-examine the landscape design, maybe get a couple of more bids on the landscaping around that area. Downtown Park –have large, circular beds around all the trees in the municipal park around all the flower beds, we are going to enlarge those. What we decided, the parks and recreation committee, at least for our six month goal, we feel it is time the town needs a new pavilion/dance stand. What we would like to do is design a new structure, Other areas where we will be working, new park equipment. Park equipment down there right now, some of it is really not sufficient or even safe for kids to be playing on. The boat dock area, we need to pave that and also clean that up and re-landscape that. We are hoping at the continuation of the sidewalks in the park, preserving the Broadkill and Governor's walk to run them across the front of the docks there and hook up in Preserving of the Broadkill. What we are trying to do also, in the past, it seemed to have worked but the town is growing and I got two requests in the last couple of weeks for memorial trees. Town office you can come in and take a look at the map of the park and you can purchase a tree. It will be pre-destined where the tree is going to go. The species of tree will already be decided, there will be a fee that you can pay and that way it will be part of a cohesive design.

Streets & Sidewalks – Councilwoman Betts – Our committee meeting will be May 4th, Thursday at 6:30 p.m. at the town hall. We encourage anyone that is interested to come and listen and on May 6th, St. John the Baptist Episcopal Church has asked to have Prettyman Street closed in regards to the yard sale. I talked to Chief Phillips and he had no objection. I took a phone call from all the council persons and they had no objection. I think maybe we should have a vote on that tonight to go on the record for St. John the Baptist Episcopal Church. I would like to make a motion that we approve that. We will bring that down to new business. The Wagamon West Shore light, I talked to Mr. Eberwein today and I had him fax a letter to Mayor Post and I will read it. Dear Mayor Post: plans are being released today for the installation of 43 street lights in the Wagamon West Shore development. Our street light vendor had informed us that these lights will not be delivered until June 27. As I am sure you are aware, the hurricanes of last year severely depleted vendor's stock of all pipe system construction material and still effects production of new materials. We are canvassing our internal storeroom to determine if we do have any lights that have not been committed to projects that can be transferred to Milton. In addition, we will be in contact with our vendor to determine if the delivery time can be expedited. I will keep your office apprised of any changes. If you have any questions, please contact me.

We will continue with Conectiv to assure that the lights do get installed and also as we move forward, we need to make sure that we protect people living in any subdivision like this so it won't happen in the future.

Street lights in Wagamon's West Shore has been addressed.

Economic Development – Councilman Harris – We had Joanie Martin-Brown bring for the table at the economic development committee the idea of starting a Milton film board. If you look at the towns like Berlin, just recently, they had Runaway Bride come into their town, they spent thousands and thousands of dollars on the town, revamping the downtown, patronizing businesses, and left a lasting effect on that town. What we are going to try to do, is have a Milton film board and currently, we have a resident that sits on the economic development committee, Diane Riordan, who is involved in filming a movie. The stone house movie, currently in Milton. As a matter of fact, if you want to see the production or what is taking place, it is <http://thestonehousemovie.com>. It is a perfect marketing tool for Milton and it is the perfect way to bring people in to show interest in this town. In the past, foundations have tried to give money to Milton, but because their 501C3, they cannot give money to any other entity if they are a 501C3. So, with Milton, there will be a Milton Community Foundation. It can provide for the community the following vehicle. If there is some unfortunate incident in town where a family or the town wants to help people out financially, the Milton Community Foundation can receive funds that are pre-earmarked exclusively to aid the family in distress and as this transfer vehicle as a donor, individual or foundation, can do business and if it is an individual they can receive a tax benefit. It would be only a pass through mechanism for donors that or other foundations that need to have a vehicle to receive/donate their money to 501C3 organizations.

Planning & Zoning – Linda reported on the applications that came before the board.

Milton Development Corporation – Councilwoman Betts – Milton development showed a movie on Friday and Saturday evening and it was a very successful and a fun night. I

think on Friday night there were probably 138 people and we would encourage everyone to keep coming when we have the movies.

Board of Adjustment – John Collier reported on the applications that came before the board.

Finance/Risk Management –C. Harris: On the finance committee, there is no report because Councilman Prettyman is ill. I understand, but something is taking place currently with the town and I guess everybody is aware of the utility increase and I made copies of what our monthly electric bill is running in this town and we are talking about a 40% increase that is coming up. We need to take a look and get the finance committee on board because we need to re-evaluate the budget to accommodate the increase.

Historic Preservation - Review/Recommendations - Anne Yarborough reported the committee is reviewing the overall historic preservation coordinates and in the process we are meeting every two weeks.

WRITTEN REPORTS

Maintenance Report – Councilman Dvornick, what is your pleasure, you have the report in front of you? Make a motion to accept it. Councilman Harris seconds it. All in favor say “Aye”, all opposed – none
Motion carried.

Code Enforcer Report – Councilwoman Betts make a motion to accept it. Councilman Dvornick seconds it. All in favor say “Aye”, all opposed – none
Motion carried.

Police Department Report – Councilman Dvornick make a motion to accept it. Councilman Frey seconds it. All in favor say “Aye”, all opposed – none
Motion carried.

Chief Phillips reported: Also to let you know this month we will be doing click it or ticket, seat belt violations. Highway safety has a program out and for two weeks, from the 14th to the 29th we will be doing that. Also, I have four officers doing bicycle training to have officers on bicycles.

I would like to compliment you on Corporal Harvey’s award from MADD.

Mayor Post: Also, Chief, the roof invoice, it did come over, we need to bring it down to vote on paying that bill in full so that we have a record of paying it in full.

Correspondence

Councilman Harris read a letter from Delmarva Power in reference to the rate increase that the same base that everybody has received who is a current Delmarva Power customer. Mayor Post: “I addressed this earlier with the finance committee and we need to look at our rate increase, other than that I have two private citizens that have written letters that I have instructions that they are in the town office for review. Both of them were in the newspaper, but anybody that wants to review them they are welcome to review them in the town hall”.

OLD BUSINESS

Town Survey

Joe Farrell gave a presentation explaining responses on the town survey.

Subdivision of lot 604 Union Street, who is here on behalf of this division? Mr. Carl Fabrey. Nora Martin is here. Mayor Post: "Under your total acreage of property you have 2400 square feet but it is really 24,000 square feet. You will create two lots, which the average size of the lots will be 12,000 square feet per lot, both dwellings, if a person would be building on those, It does make two lots that are within our lot size minimum requirements, which is 10,000 square feet and these would both be created into 12,000 square feet. I'm not sure the sewer is at that location on the back lot. The house of parcel A connects to Union Street and the parcel B may now have a sewer line that runs completely down Orchard. Does the sewer line run from Orchard to Mulberry? Reviewed code and this is possibly called a partition. It is defined as and code was read." Bob Kerr: "A survey requirement is not just a convenience, it's rather important, because, ultimately, that would be the recorded document and I don't have one, I saw a reference that a survey is being done a partition where you don't have the survey." Nora Martin: "There is some paperwork in front of the council and the mayor from the engineer that will be surveying the site." Bob Kerr: "Paperwork was received tonight but it does not meet the requirements for a survey, there are no meets and bounds, there is nothing that clearly states on this what the front footage would be on the new road. It is presumed that the lot would be divided in half each having 100 feet for frontage. The lot that is paid for on Orchard Street there would be an additional cost to someone. Then you would present us with a good, clean survey." We have a motion from Councilman Frey and a second from Councilman Dvornick to table it until the June council meeting. All in favor say "Aye" – opposed, motion carried.

Committee Appointments

Mayor Post: Council you have additions to the committee appointments and there are three additional appointments this evening and I will to the board of election town referendum committee – Marvin Cummings, who will replace Jose Quionas who has relocated out of town. The health committee Patricia Sextant, who is a registered nurse and MS in science; and sewer and water committee Dennis Hughes II. Michaela Cafaro will be appointed to the economic and development committee. We have a motion from Councilman Frey and a second from Councilman Dvornick on the table for approval. All in favor say "Aye", motion carried.

NEW BUSINESS

Anne Yarbrough gave a presentation. Grants and low interest loans are also available for restoration projects within a national register district. The contract includes the following: it includes an update of the town survey for Milton, an amended national register of historic places historic district nomination, presentations of the proposed historic district amendments to the town and to the state review board for historic preservation. The cost is complete, there will be no additional cost to us. The Center for Historic Architecture and Design provides \$13,000 toward the project from matching public service assistantship fund. The total bill to the town of Milton would be \$32,600.

The Center for Historic Architecture and Design will bill for the full amount upon the completion of the final project. We should receive the bill in the summer of 2007. So by working with Chad, we residents of the town will learn a lot more about our own town as we go along during this year and by next summer one of the most significant ways we can celebrate Milton's 200th anniversary will be sending the completed nomination of the expanded historic district off to the Department of the Interior.

Motion from Gene Dvornick: "I'll make a motion that the town go ahead and enter into the contract at a cost not to exceed \$32,600. We have a motion, do we have a second? We do have the money in the budget, this year we set aside \$40,000 for a town planner, which we did not utilize, we can carry it over to next year so it's not going to be something that we are faced with a short call. It will be billed in 2007 but we can carry over \$40,000 from this year. Mr. Mayor, we can't get a second, let's send it to the finance committee. I rescind my motion and make a motion that it be referred to the finance committee." Councilwoman Betts seconds it. We have a motion and a second to refer it to finance committee who will make a recommendation back to council so all in favor say "Aye". Motion carried.

Chestnut Properties – we have in front of us the annexation request from James and Nancy White, we have the recommendation from Planning and Zoning and I think what we are here for tonight is to put this out to public hearing. Tim Willard: If I may, Mr. Mayor, on behalf of the applicant, you received a letter from Planning and Zoning commission with a recommendation. In the ray line it is 132.01 there is a reference in 5A to 370 units per acre and per acre should be deleted and in the annexation agreement and I have a complete set of that correspondence, the annexation agreement and the declaration of covetous, the annexation agreement, which calls for the \$8,000 per acre annexation fee. Once you get a recommendation and in this case, it was a positive recommendation from Planning and Zoning, then, in any annexation by state law, you must zone the property when you annex it and by state law and by your code, it requires town council to have a public hearing and public notice for that public hearing within 15 days and mailings to those within 200 feet in the public notice. Based on this procedural posture thus far, you can annex a property by resolution and there is no public hearing necessary for that, but there is a public hearing that is required by state law and your code to make the change of zone and you must make the change of zone if you are going to consider the annexation. You must schedule this for a public hearing; we will have the public hearing at 6:30 p.m. on May, 25, 2006.

Derelict properties – Councilman Dvornick made a motion to forward the information to the code enforcement office with a report back at the next council meeting. Councilman Harris second it. All in favor say "Aye"
Motion carried.

St. John the Baptist street closure - Councilman Dvornick made a motion to grant closure. Councilwoman Betts second it. All in favor say "Aye". Motion carried.

Additional cost for roof repair under \$500 – motion made by Councilman Frey to pay bill. Councilman Dvornick second. All in favor say "Aye" Motion carried.

Request from zoning and ordinance review revision – first request for notification of people within so many feet of property – county puts a sign out front and would like the town to make a motion to secure the necessary signs to do that and the cost for the man to

go out and do it to be reimbursed as part of the application. We have a motion from Councilman Dvornick and a second from Councilwoman Betts. All in favor say "Aye". Motion carried.

Second item – need to get information from what the ordinance the county is investigating with respect for paying extra per unit in order to get a higher density - We have a motion from Councilman Dvornick and a second from Councilwoman Betts. All in favor say "Aye". Motion carried.

We have a motion from Councilman Dvornick to go into executive session and a second from Councilman Frey. All in favor say "Aye". Motion carried.

Respectfully submitted,

Stephanie Coulbourne